

May 27, 2015

Mr. Donald Mitten
Richardson Engineering LLC
30 E. Padonia Road Suite 500
Timonium, MD 21093

Re: Warner Graham Company at 160 Church Lane
Forest Conservation Variance Request
Tracking #03-15-1986

Dear Mr. Mitten:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on May 18, 2015. This request would allow afforestation requirement to be based on the approximately 0.1 acre limit of disturbance (LOD) rather than the entire 3.75-acre property to construct an addition on a commercial building in an industrial neighborhood.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to construct a small addition to an existing commercial building. However, basing the afforestation requirement on the full site rather than just the LOD does not deprive the petitioner of beneficial use of the property. Consequently, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that their plight is due to unique circumstances and not the general conditions of the neighborhood. The need for the variance arises from the petitioner's request for relief from the full afforestation requirement rather than conditions of the neighborhood redevelopment is proposed. Therefore, the plight is associated with the

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subject property rather than general conditions in the neighborhood. Consequently, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The proposed development activity is consistent with the current use of the property and the commercial/industrial nature of the neighborhood. Therefore, we find that the scope of the development activity will not alter the essential character of the neighborhood; thus, this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that there are no wetlands, streams or floodplains on or near the subject improvements. Therefore, we find that granting of the special variance will not adversely affect water quality, and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions on the property prior to requesting this variance. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Allowing afforestation to be based on the LOD rather than the entire site encourages improvement to existing developed area as opposed to impacting undisturbed land. Furthermore, no forest or specimen trees would be impacted by the activity. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved in accordance with Section 33-6-116 of the Baltimore County Code, with the understanding that this approval does not exempt future development activity at this property from complying with Baltimore County's Forest Conservation Law. There will be no afforestation required as a result of the 0.1-acre LOD for the small addition given that forest conservation calculations are rounded to the tenth acre.

It is the intent of this Department to approve this variance as stipulated above. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the property owner sign the statement on the following page and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

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If there are any questions regarding this correspondence, please contact Mr. Glenn Shaffer at (410) 887-3980.

Sincerely,

Vincent J. Gardina
Director

VJG/ges

c. Mr. Alex Riepe, President, Riepe Industries, Inc.

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

Property Owner Representative's Signature

Date

Property Owner Representative's Printed Name